UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,900	04/26/2000	Tom R. Vandermeijden	UWP-P029/1131	1580

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER
ABEBE, DANIEL DEMELASH

ART UNIT	PAPER NUMBER
2655	16

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,8-11,14-22,24,25 and 28-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8-11,14-22,24,25 and 28-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Appeal Brief

In view of the appeal brief filed on 1/30/2004, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,

1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 8-11, 14-22, 24-25, 28-33 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Roth (5,131,045) in view of Brotman et al. (5,917,890) .

As to claim 1, Roth teaches a method for disambiguating characters that are

inputted in to a mobile telephone device, having ambiguous keyboards, character by

character, comprising the steps of:

Receiving a voice input from a user, representing a word (Fig.2, 32; Col.6, line 66-Col.7, line 5).

Detecting, right after the utterance, that (more than one) of the key inputs have been selected (Fig.2, 30);

Obtaining a plurality of reference patterns based on the selected keys (Fig.2, 31);

Correlating the two inputs (33); and

Identifying the intended character (34).

It is noted that according to Roth the method is explained where the utterance received represents <u>a word</u> instead of a <u>single character</u> (alphabet) as claimed. For example, in Roth's art, the user speaks the word "cat" and then presses the corresponding key for each letter (in this example 2-2-8), the key inputs generate candidate words and the candidates words are compared with the spoken word and the word "cat" is selected.

spelling a word letter by letter is common, as also suggested by Roth where the system allows the user to enter the word "by speaking its spelling letter by letter" (Col.2, line 58). Roth, however, doesn't explicitly teach where each spelled letter is followed by key input, as it's done for the word, and recited in the present claim. Brotman, however, teaches a method of disambiguating an utterance, where speech data is inputted character by character, (Fig.2, 120) and where a keyboard input (Fig.2, 170) associated with the speech input is pressed (when the result generated from the utterance is not correct) and compared for disambiguating the speech input.

It would have been obvious and one skilled in the art will appreciate that while

the invention in Roth is disclosed in an embodiment providing for the user to speak the

entire word, the invention could also be used to work where a single character is

spoken, as taught by Brotman. The motivation would be providing a more accurate and

reliable way of entering the intended data by the user.

As to claim 2, Roth teaches where comparing is performed after both inputs (key

and speech) are entered (Fig.2).

As to claims 3, 4, 8, and 24-25, Roth teaches where the keys have multiple

alpha-numeric characters and where each one of the reference pattern obtained

represents a word associated with the selected key input (Col.3, lines 56-60) but

Brotman teaches where each of the reference pattern obtained represents a single

character associated with the selected key input.

Claims 9-11, 14-17 and 19-22 are analogous to the method claims addressed

above and are rejected for the foregoing reason by Roth in view of Brotman.

As to claim 18, Roth teaches where the utterance and the key input are entered

substantially simultaneously, where any one can precede the other (Col.6, lines 66-70).

With respect to claims 28-29, Brotman teaches where the single key input for

disambiguating the spoken character is entered by the user after prompt if the result

obtained is not the correct one (Fig.2, 170). Roth however, teaches where the key

inputs are provided by the user without prompt. One skilled in the art can avoid the step

of prompting the user in Brotman's art, in view of Roth, for the purpose of speeding up

the process.

As to claims 30-33, Roth teaches a RAM (19) used for identifying the intended

Character. Roth, however, doesn't teach a circular buffer. Official Notice is taken

that a circular/ring buffer memory is well known and would be obvious to use it in Roth

teaching for temporarily storing the candidate words/characters.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Daniel D Abebe whose telephone number is 703-308-

5543. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DANIEL ABEBE
PRIMARY EXAMINER

March 22, 2004